

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of Bernard
L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE HEBREW UNIVERSITY OF JERUSALEM, YISSUM
RESEARCH DEVELOPMENT COMPANY OF THE
HEBREW UNIVERSITY OF JERUSALEM LTD., BEN-
GURION UNIVERSITY OF THE NEGEV, B.G. NEGEV
TECHNOLOGIES AND APPLICATIONS LTD., THE
WEIZMANN INSTITUTE OF SCIENCE, and BAR ILAN
UNIVERSITY,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 21-01190 (CGM)

**DECLARATION OF PROFESSOR HANOCH GUTFREUND IN SUPPORT OF
MOTION TO DISMISS COMPLAINT**

I, Hanoch Gutfreund, declare under penalty of perjury under the laws of the United States
of America that the foregoing is true and correct:

1. I am a Professor Emeritus of theoretical physics at the Hebrew University of Jerusalem (“Hebrew University”). I have personal knowledge of the facts contained in this Declaration.

2. I first became a professor at Hebrew University in 1966. Between 1991 and 1992, I was Rector of Hebrew University. As Rector, I had responsibility for Hebrew University’s academic affairs. In 1992, I became President of Hebrew University, and served in this role until 1997. Thereafter, I continued to serve as a professor. I took emeritus status around 2006.

3. Among my public functions, I currently serve as the Academic Chairman of the Albert Einstein Archives at Hebrew University. In this capacity I oversee events promoting Albert Einstein’s legacy, and I am further responsible for administering Albert Einstein’s intellectual property, which is owned by Hebrew University.

4. I met Albert Igoïn, a French philanthropist, in the early 1980s through a mutual acquaintance. In our first meeting, we discussed philosophy and physics, and we formed a friendship that would last until Igoïn’s passing in 1995. From the time I met Igoïn, I found that he guarded his privacy. Igoïn preferred that his name not be made public, despite his significant philanthropy.

5. At our first meeting in the early 1980s, Igoïn informed me that he wished to invest in, and contribute to, applied scientific research in Israel. Subsequently, in 1985, another acquaintance of Igoïn, the late Mr. Itzhak Amir — at that time an asset manager for Hebrew University — informed me that Igoïn was interested in establishing a not-for-profit organization to promote applied research in Israel, and offered me the opportunity to be involved in it. I declined the offer: as a physicist, I did not consider myself suited for the position, and I was engaged at the time in intensive research and preparing for a sabbatical in the United States.

6. I understand that, in or around 1988, Igoïn established a not-for-profit organization, which was called the Yeshaya Horowitz Association (“Yeshaya”). I was occupied with my research and with teaching, and I was unaware of Yeshaya’s creation at the time. Only later, in late 1991 at the earliest, did I learn about Yeshaya’s establishment.

7. When I was appointed Rector of Hebrew University in 1991, I reached out to Igoïn to inquire whether he would help fund the establishment of two new research centers; the Center for the Study of Rationality and the Interdisciplinary Center for Neural Computation. Igoïn agreed to support those research centers, which now enjoy international recognition. At the time, I did not know that the funds came from Yeshaya or that Yeshaya was connected with Bernard Madoff.

8. Subsequently, I reached out to Igoïn again and requested his assistance in funding five deserving research proposals. Once again, Igoïn agreed to provide funding for the research proposals. Once again, at the time, I did not know the funds came from Yeshaya or that Yeshaya was connected with Madoff.

9. I became involved with Yeshaya in approximately the mid-1990s. I officially joined in 1995, at Igoïn’s suggestion, to honor Igoïn and to carry on his vision and legacy of advancing research in Israel. I became more involved with Yeshaya after I completed my tenure as President of Hebrew University. I joined Yeshaya in my own personal capacity and did not receive any compensation. Furthermore, no funding was ever granted by Yeshaya to fund my own personal research and I insisted that my research students not receive any grant funded by Yeshaya. I was a board member and a member of Yeshaya.

10. Hebrew University did not appoint me to Yeshaya. To the extent I held a position at Yeshaya, I did not act on behalf or as an agent of Hebrew University. At the time, I was clear

in distinguishing my role at Hebrew University and my separate role at Yeshaya. As an example, when Ms. Shula Walz, head of internal grants at Hebrew University, reached out to me and asked that I transmit to Yeshaya a request for additional funding for a certain research project, I instructed my assistant at the time, Ms. Shafira Black, to respond (on my behalf) that I was a member of Yeshaya but *not* as the President of Hebrew University. Thus, I asked that Ms. Walz's request be transmitted to Yeshaya in a different manner. (Attached to this declaration as **Exhibit 1** are translated copies of the correspondence between Ms. Black and Ms. Walz dated April 12, 1994 through April 20, 1994.)

11. To the best of my knowledge, Hebrew University also did not appoint either Mr. Amir or Professor Henri Atlan to Yeshaya, and neither acted as a member of Yeshaya on Hebrew University's behalf or as its agent. Both were friends with Igoïn and served at Yeshaya in their personal capacity because of their connection with him.

12. I never received from Hebrew University an appointment letter to Yeshaya and, to the best of my knowledge, neither did Mr. Amir or Professor Atlan.

13. Sometime after I joined Yeshaya, I became aware, from my relationship with Igoïn and involvement in Yeshaya, that Igoïn was the source of Yeshaya's funds. In addition, after I became a member of Yeshaya, Adv. Yair Green, Igoïn's confidant, informed me that Yeshaya's investments were managed at Bernard Madoff's brokerage firm ("BLMIS"). By contrast, I only found out about Magnify, Inc. after Madoff's arrest, when information about the fraud was made public. I myself met Madoff once, on November 15, 2002, long after I completed my tenure as President of Hebrew University, for a short courtesy meeting arranged by Igoïn's widow, Ms. Doris Igoïn. I recall the date because I met him during a visit to New York where I attended the opening of an exhibition in memory of Albert Einstein at the

American Museum of Natural History. During this meeting we did not discuss Igoi's account with Madoff or any other facts relevant to this proceeding.

14. Starting around the time I joined Yeshaya and until 2008, I participated in evaluating projects for funding. I was one of approximately 15 members that reviewed grant proposals. Generally speaking, academic institutions filed research grant applications to Yeshaya, and we decided whether to reject the application, approve it, or approve it pending further information. The members, including myself, evaluated the application based on our relevant expertise, and approved applications that matched Yeshaya's main purpose: applied science. The members as a group had to approve the grant applications, within the parameters of Yeshaya's annual budget (as reported to us by Yair Green). I could not, on my own, approve or direct funding to any particular project.

15. I was not involved in Yeshaya's financial management. As far as I recall, I never signed or authorized the transfer of funds from Yeshaya's BLMIS account to Yeshaya's Israeli bank account. Nor did I open a bank account on behalf of Yeshaya. The responsibility for managing Yeshaya's financial matters rested with Adv. Yair Green, with the assistance of Ms. Ayala Nahir. Every year, prior to our evaluation of proposals, Adv. Green informed the members of the budget that was available for that year, and on that basis we evaluated how to allocate the available funds.

16. As noted, I had no knowledge of Magnify, Inc. prior to the revelation of the Madoff fraud. I also had no knowledge of particular withdrawals from BLMIS to fund particular research grants (including the withdrawals referenced in the complaint in this case).

Executed on February 6, 2022
Jerusalem, Israel



Hanoach Gutfreund